

## SENATE BILL No. 355

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 23-14.

**Synopsis:** Cemeteries. Requires that the rules and regulations adopted by a cemetery owner must establish the conditions under which a person other than the cemetery owner may install certain commodities in the cemetery. Provides that the rules must require an inspection fee, proof of liability insurance, and proof of a surety bond. Provides that the installation in a cemetery of a commodity purchased from a source other than the cemetery owner does not relieve the cemetery owner of the duty to maintain the part of the cemetery on which the commodity is installed. Provides that: (1) a cemetery owner is not relieved of the duty to exercise reasonable care with respect to a commodity that is purchased from a source other than the cemetery owner and installed in the cemetery; and (2) a cemetery owner is liable for any damage to the commodity resulting from a negligent, a reckless, or an intentional act committed by the cemetery owner or an employee of the cemetery owner acting in the scope of the employee's employment.

**Effective:** July 1, 2008.

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**Broden, Smith S**

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January 14, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## SENATE BILL No. 355

A BILL FOR AN ACT to amend the Indiana Code concerning cemeteries.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 23-14-46-7 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Because the  
3       owner of a cemetery is responsible for the performance of the care and  
4       maintenance of the cemetery, a cemetery owner has the ~~exclusive~~ right  
5       to:

6               (1) open and close a grave or grave space, burial space, crypt, or  
7               niche in the cemetery;

8               (2) set or install a:

9                       (A) marker;

10                      (B) monument; or

11                      (C) any type of memorial;

12               in the cemetery; and

13               (3) install any kind of foundation or other type of base for the  
14               marker, monument, or any type of memorial in the cemetery.

15       This ~~exclusive~~ right may also be exercised by the authorized  
16       representative of the owner of the cemetery.

17       **(b) Rules and regulations adopted by a cemetery under section**

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1 of this chapter must establish the conditions under which a right described in subsection (a)(2) or (a)(3) may be exercised by a person other than the cemetery owner. The rules and regulations must require that the person exercising the right must provide the following to the cemetery owner:

(1) A reasonable inspection fee that may not exceed fifty dollars (\$50) for the inspection of the layout, commodities provided, and work performed by a person other than the cemetery owner.

(2) Proof that the person has liability insurance coverage.

(3) Proof that the person has a surety bond issued by a surety company authorized to do business in Indiana. The amount of the bond must be at least twenty (20) times the amount necessary to cover the person's contract with the person purchasing the commodities for installation in the cemetery.

SECTION 2. IC 23-14-47-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) A cemetery owner shall not prevent the use of or installation in the cemetery of any commodity purchased from any source if the commodity meets the rules and regulations established under section 1 of this chapter.

(b) The installation in a cemetery of a commodity purchased from a source other than the cemetery owner does not relieve the cemetery owner of the duty to maintain the part of the cemetery on which the commodity is installed.

(c) A cemetery owner is not relieved of the duty to exercise reasonable care with respect to a commodity that is purchased from a source other than the cemetery owner and installed in the cemetery. A cemetery owner is liable for any damage to the commodity resulting from a negligent, a reckless, or an intentional act committed by the cemetery owner or an employee of the cemetery owner acting in the scope of the employee's employment.

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